

### **REMARKS**

The Non-Final Office Action dated August 11, 2004 and the Examiner's Detailed Action have been considered. Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

#### **Summary of the Non-Final Office Action**

Claims 5 and 7 stand objected to as presenting an inconsistency. According to the Examiner at page 2 of the Office Action, in claims 5 and 7, lines 2, before "case", "a" should be changed to --said--.

Claims 2-9, 14-16, and 20-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,079,472 to Sariti ("Sariti") in view of U.S. Patent No. 4,969,196 to Nakamura ("Nakamura") and further in view of GB Patent No. 2,278,251 to Lee et al. ("Lee") or JP Patent No. 55-118299 to Numa ("Numa"). See Office Action at 2.

#### **Summary of the Response to the Office Action**

Applicants amend claims 4-7, 20, 23, 25 and 28 by this amendment. Accordingly, claims 2-9, 14-16, 20-29 remain currently pending.

#### **All Subject Matter Is Allowable**

Claims 5 and 7 stand objected to as presenting an inconsistency. According to the Examiner at page 2 of the Office Action, in claims 5 and 7, lines 2, before "case", "a" should be changed to --said--. Applicants have amended claims 5 and 7 so as to recite, among other

features, the speaker unit according to claim 4 and 6 respectively, “wherein said case . . . .”

Applicants respectfully request withdrawal of the objection.

Claims 2-9, 14-16, and 20-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sariti in view of Nakamura and further in view of Lee or Numa. Applicants respectfully traverse these rejections because Sariti, Nakamura, Lee or Numa, singularly or in combination, fail to teach or suggest the claimed invention as a whole as recited in amended independent claims 4, 6, 20, 23, 25 and 28.

Independent claims 4, 6, 20, 23, 25, and 28 have been newly amended to recite a speaker comprising, among other features, a rectangular frame and a top plate having a through hole in its center, “wherein the rectangular frame presents a rectangular shape when looked at in plan view, and wherein the hole formed in the center of the top plate defines a constant and continuous radius.” Support for the amendments to claims 4, 6, 20, 23, 25 and 28 is provided by the originally filed application at, for example, at page 6, lines 18-21 and FIGS. 4, 5a and 5b.

Applicants respectfully submit that Sariti, whether taken alone or in combination with Nakamura, Lee or Numa, fails to teach or suggest the invention as a whole. Sariti does not show a top plate “wherein the hole formed in the center of the top plate defines a constant and continuous radius.” Instead, Sariti shows a front plate 12 with a circular opening 20 having slots 22, thereby creating a discontinuity in the circular opening 20. To assemble the magnetic field structure 10 of Sariti, “the front plate 12 is then placed on the top surface of the ferrite magnet 33, the upper protrusions 44 of the holder member 32 being received in, and extending through, the slots 22 in the front plate 12. Pressure is then applied to the ends of the protrusions 44 . . . in order to bend the protrusions away from the axis of the holder member 32 and tightly against the outer surface of the plates 12 and 14.” See Sariti, col. 3, lines 11-12, 26-29, 36-40. Any attempt

to combine Nakamura, Lee or Numa with Sariti fails to cure the deficiency in Sariti because to modify the front plate 12 of Sariti so as to have a center hole “defining a constant and continuous radius” would render Sariti unsatisfactory for its intended purpose. Accordingly, Applicants submit that there is no motivation to combine Sariti with any of the cited references Nakamura, Lee or Numa. MPEP § 2143.01 (“If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”). Thus, a *prima facie* case of obviousness cannot be established. MPEP § 2143. Moreover, the frame of Sariti does not present “a rectangular shape when looked at in plan view.” Instead the housing 48 of Sariti presents a square shape in plan view. Sariti, FIG. 2. Neither Lee nor Numa show a frame in plan view and the “mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP § 2143.01. According to Applicants’ invention, the rectangular frame 6 and other rectangular members (1, 2, 3, 4) forming the embodiments of Applicants’ invention permit a speaker unit 20 to be installed in a long and narrow space within a TV set, as shown in FIGS. 5a, 5b of the originally filed application.

In view of the above, Applicants submit that there is no suggestion or motivation to combine the references of Sariti, Nakamura, Lee or Numa as suggested by the Examiner so as to establish a *prima facie* case of obviousness. Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Sariti, Nakamura, Lee or Numa, singularly or in combination, fail to teach or suggest the claimed invention as a whole as recited in independent claims 4, 6, 20, 23, 25 and 28 as amended. Furthermore, Applicants respectfully assert that dependent claims 2-3, 5, 7-9, 14-16, 21-22, 24, 26, 27 and 29 are allowable at least

because of their respective dependence from claims 4, 6, 20, 23, 25 and 28 and the reasons set forth above.

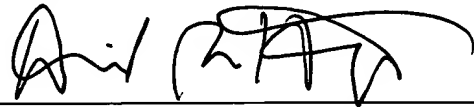
**CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



David J. Baltazar

(Reg. No. 53,964)

Dated: December 13, 2004

**Customer No.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001